

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

ALFRED A. JOHNSON SR.,	:	Case No. 1:24-cv-174
	:	
Plaintiff,	:	Judge Michael R. Barrett
	:	Magistrate Judge Caroline H. Gentry
vs.	:	
	:	
OFC. T. MANNS, <i>et. al.</i> ,	:	
	:	
Defendants.	:	

ORDER

This civil rights matter is before the Court on Plaintiff's motions for appointed counsel and discovery. (ECF Nos. 2, 3). For the reasons stated below, the motions will be denied.

First, the Court has not yet determined whether this case can proceed. Plaintiff must pay the filing fees and/or satisfy the Deficiency Order concerning his application to proceed *in forma pauperis*. (See ECF No. 6). The Court may then have to determine if Plaintiff is permitted to proceed *in forma pauperis*. 28 U.S.C. § 1915. If those issues are resolved, then the Court must also screen the Complaint to determine if it, or any part of it, must be dismissed. 28 U.S.C. §§ 1915 & 1915A. The Court declines to grant relief on the motions at this early point in the case, when it is unknown whether it will proceed further.

Second, there is no legal or constitutional right to appointed counsel in a civil case. *Patmon v. Parker*, 3 F. App'x 337, 339 (6th Cir. 2001). Congress has not provided funds to compensate lawyers who might agree to represent indigent plaintiffs in civil cases, and there are not enough lawyers who can absorb the costs of representing them on a voluntary basis to allow the Court to appoint counsel for all indigent plaintiffs. The Court makes every effort to appoint counsel when a case proceeds to trial. The Court also attempts to appoint counsel at an earlier

stage if exceptional circumstances exist. It does not appear that exceptional circumstances exist in this case. If the case proceeds past dispositive motions and is headed to trial, Plaintiff may renew his motion for appointed counsel.

Third, discovery requests generally may not be filed with the Court. *See* Fed. R. Civ. P. 5(d)(1). If this case proceeds past the initial screening, then Plaintiff may serve discovery requests on the remaining Defendants in accordance with the Federal Rules of Civil Procedure and this Court's Local Civil Rules.

For these reasons, Plaintiff's motion for counsel (ECF No. 2) is **DENIED** without prejudice to refile it at a later date. His motion for discovery (ECF No. 3) is **DENIED**.

IT IS SO ORDERED.

April 17, 2024

/s/ Caroline H. Gentry
CAROLINE H. GENTRY
UNITED STATES MAGISTRATE JUDGE